

EXHIBIT G

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023

1

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4 -----

5 KRISTY PFLUG,

6 Plaintiff,

7 -against-

Civil Action No.
20-CV-00018

8 THE COUNTY OF SUFFOLK,

9 Defendant.
10 -----

11 REMOTE VIDEOCONFERENCE DEPOSITION OF
12 JENNIFER WORTHINGTON, the Non-Party Witness
13 herein, taken by Plaintiff, pursuant to
14 Notice, on Wednesday, May 10, 2023, at 10:00
15 a.m., before Patricia Guarino, a Shorthand
16 Reporter and notary public, within and for the
17 State of New York.
18
19
20
21
22
23
24
25

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023

2

A P P E A R A N C E S :

THE LAW OFFICES OF YALE POLLACK
Attorneys for Plaintiff
66 Split Rock Road
Syosset, New York 11791

BY: YALE POLLACK, ESQ.
(516) 634-6340
ypollack@yalepollacklaw.com

DENNIS BROWN, Acting Suffolk County Attorney
SUFFOLK COUNTY ATTORNEY
Attorneys for Defendant
100 Veterans Memorial Highway
Post Office Box 6100
Hauppauge, New York 11788

BY: HOPE SENZER GABOR
Assistant County Attorney
(631) 853-5822
hope.senzergabor@suffolkcountyny.gov

* * *

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
3

1
2
3 IT IS HEREBY STIPULATED AND AGREED
4 that all objections, except as to the form of
5 the questions, shall be reserved to the time
6 of the trial;

7 IT IS FURTHER STIPULATED AND AGREED
8 that the within examination may be subscribed
9 and sworn to before any notary public with the
10 same force and effect as though subscribed and
11 sworn to before this court.
12
13
14
15
16
17
18
19
20
21
22
23
24
25

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023

4

Whereupon,

JENNIFER WORTHINGTON,

after having been first duly sworn, was
examined and testified as follows:

COURT REPORTER: Please state your
name for the record.

THE WITNESS: Jennifer A.
Worthington.

COURT REPORTER: What is your
business address?

THE WITNESS: 30 Yaphank Avenue,
Yapank, New York 11980.

EXAMINATION BY MR. POLLACK:

Q. Good morning, Ms. Worthington. How
are you today?

A. Good morning.

Fine. Thank you.

Q. Thank you for attending today. I'm
just going to go through some basic ground
rules at the outset.

Have you ever been deposed before?

A. No.

Q. What's going to be happening today
is I'm going to be asking you a series of

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
5

1 J. Worthington

2 questions regarding my client's claims against
3 the county as well as defenses that have been
4 asserted by the county.

5 You're aware of Ms. Pflug, right,
6 Kristy Pflug?

7 A. Yes.

8 Q. So we're going to be asking
9 questions about Kristy Pflug today. I'm going
10 to ask that you answer all questions verbally.
11 The court reporter cannot take down head nods,
12 anything of that like, any non-verbal
13 responses. So it's important for a clean
14 record that you respond to my questions
15 verbally. Okay?

16 A. Yes.

17 Q. And there's going to be points
18 during the deposition where you may anticipate
19 where my question is going. You may start to
20 answer because you know how I'm going to
21 finish my question, but for the court
22 reporter's sake it's very important that you
23 let me finish my question before answering so
24 we have a clean transcript. Okay?

25 A. Yes.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
6

1 J. Worthington

2 Q. If you need a break at any time --
3 I'm not anticipating this to be a very long
4 deposition, but if you do need a break at any
5 time please let me know and we will give you
6 the break that's necessary. The only caveat
7 with that is that if there is a question
8 pending at the time you need the break you
9 have to answer the question prior to taking
10 the break. Okay?

11 A. Yes.

12 Q. And lastly your attorney may object
13 to certain questions that I pose today.
14 Unless she directs you not to answer the
15 question you should still answer the question
16 posed to you by me. She may just say
17 "objection," but she may not say "don't answer
18 that question," so you can go ahead and still
19 answer the question that I ask. Okay?

20 A. Okay.

21 Q. So you understand all these
22 instructions?

23 A. Yes.

24 Q. All right. Great.

25 I have to ask this, but are you

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
7

1 J. Worthington

2 under the influence of any drugs or alcohol
3 today?

4 A. No.

5 Q. Are you taking any medications that
6 may influence your ability to truthfully
7 respond to my questions today?

8 A. No?

9 Q. You've stated before you that you
10 haven't been deposed before, correct?

11 A. Correct.

12 Q. What did you do to prepare for
13 today's deposition?

14 A. I spoke is to Hope Gabor.

15 Q. When did you speak with her? I'm
16 not asking for the contents of the
17 conversation, just when you spoke with her.

18 A. I spoke with her yesterday.

19 Q. How long was that conversation
20 about?

21 A. 10 minutes.

22 Q. Did you review any documents in
23 anticipation for today's deposition?

24 A. No.

25 Q. Were you responsible for gathering

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
8

1 J. Worthington

2 any documents to produce with respect to this
3 deposition at all?

4 A. No.

5 Q. Can you please describe your
6 highest degree of education?

7 A. My highest? High school.

8 Q. When did you graduate high school?

9 A. 1985.

10 Q. Where was that?

11 A. Geyserville, California.

12 Q. That's located in California, the
13 State of California?

14 A. Yes.

15 Q. Did you come to New York at a
16 certain point?

17 A. Did I come to...

18 Q. Did you move to New York?

19 A. I moved to New York in 1986.

20 Q. Did you have a job waiting up for
21 you?

22 A. No.

23 Q. When you moved here what was your
24 first job that you attained?

25 A. I worked at a pet store.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
9

1 J. Worthington

2 Q. How long did you work at that pet
3 store?

4 A. Probably about a year, a
5 year-and-a-half, maybe two.

6 Q. We're talking about like '86 to
7 '88, something like that?

8 A. Well, '86 -- yes, '86. And then in
9 '87 I started working for New York State
10 Office of Mental Health in '87, so then the
11 pet store was part time.

12 Q. Office of Mental Health you said?

13 A. Yes.

14 Q. Where was that?

15 A. Pilgrim State in Brentwood.

16 Q. Pilgrim State was the name of the
17 facility?

18 A. Pilgrim Psych Center.

19 Q. How long were you there?

20 A. Till 1991.

21 Q. Was that a state job or was that a
22 private job?

23 A. That's a state job.

24 Q. What was your position that you
25 held there?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
10

1 J. Worthington

2 A. Mental hygiene therapy aide.

3 Q. Is that the only roll that you had
4 while you were there?

5 A. Also I worked as an EMT.

6 Q. You said the position ended in
7 1991. What happened after that?

8 A. I started working at police
9 headquarters as a Public Safety Dispatcher.

10 Q. Did you ever get promoted at any
11 point?

12 A. Yes.

13 Q. When?

14 A. I believe it was 2010.

15 Q. Was that to a Public Safety
16 Dispatcher II?

17 A. Correct.

18 Q. What were the differences between
19 your duties as a Public Safety Dispatcher I as
20 opposed to a Public Safety Dispatcher II?

21 A. The floor supervisor -- floor
22 dispatcher.

23 Q. What were you doing as Dispatcher
24 I?

25 A. Dispatching precincts and 911

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
11

1 J. Worthington

2 operator. That's my title.

3 Q. As a I you're saying?

4 A. As a I you're police dispatcher and
5 you're also a call taker. Do both.

6 Q. Was Kristy Pflug working at the
7 county at the time you became a Public Safety
8 Dispatcher I?

9 A. No.

10 Q. Was she working at the county at
11 the time you were promoted to Public Safety
12 Dispatcher II?

13 A. I don't know.

14 Q. Was there a time you were ever
15 Ms. Pflug's supervisor?

16 A. Yes.

17 Q. When was that?

18 A. What year I don't know.

19 Q. What was your title when you were
20 Ms. Pflug's supervisor?

21 A. PSD II, Public Safety.
22 Dispatcher II.

23 Q. In your role as a supervisor
24 what duties did you have over Ms. Pflug as a
25 PSD II?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
12

1 J. Worthington

2 A. Scheduling -- scheduling, making
3 sure that the radios are covered. Being, you
4 know -- I'd take care of the -- it was so long
5 ago. I did scheduling. I watched all the
6 calls for all the precincts, listened to all
7 the calls that come in, listened to all the
8 calls that go out. I took care of the -- I'd
9 do radio checks. I'd do recorder checks, make
10 sure there's enough dispatchers, make sure
11 there's enough operators, make sure there's
12 enough operators and dispatchers for the next
13 tour and the tour after that. And then I
14 would be giving people off or not giving
15 people off. And we had the sex offender
16 hotline. We had -- that's almost all of it.
17 I also would -- when there was nobody else to
18 cover the radios I would be on a radio or on a
19 phone, when there was not enough staffing.

20 Q. Have you ever been promoted beyond
21 PSD II?

22 A. Yes.

23 Q. When?

24 A. 2017.

25 Q. And was that to PSD III?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
13

1 J. Worthington

2 A. Yes.

3 Q. What was the change in your duties
4 when you went from PSD II to PSD III?

5 A. As a PSD III I am more of a liaison
6 to the department higher-ups when there's
7 incidents. And I also have -- now I'm more
8 watching all the calls going out. Making sure
9 that the calls are going out, making sure that
10 the PSD II's have the correct staffing. I
11 have to make notifications for different
12 incidents, depending on the incident. I have
13 the safe hotline. I take care of the Raves.
14 I take care of making sure that we have all of
15 the detectives and everything like that if we
16 have an incident. I take care of writing in
17 the PD records when they go on and off duty.
18 I check the duty log. I make entries into a
19 duty log depending on what it is. And I speak
20 directly to chiefs and commissioners, and I
21 talk to basically anybody that calls into my
22 office.

23 Q. How many PSD III's are there?

24 A. Ten, I think. Nine or ten.

25 Q. When you were a PSD I who were you

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
14

1 J. Worthington

2 reporting to?

3 A. Sergeants.

4 Q. Do you have particular names?

5 A. Maybe Sergeant Doram, Lahey,
6 Hamilton. I did have PSD II's also, but there
7 was no PSD III's.

8 PSD II's, I think Cliff Ackerly and
9 Patricia Dunn.

10 Q. What precinct were you working when
11 you were a PSD I?

12 A. Mostly 2, 3, Command.

13 Q. When you were a PSD II who reported
14 to you?

15 A. Who reported to me?

16 Q. Yes.

17 A. Reported to me.

18 Q. Who were you responsible for
19 supervising?

20 A. Dispatchers and call takers.

21 Q. Were you responsible for certain
22 dispatchers and call takers for like a certain
23 precinct or was it everybody?

24 A. My tour.

25 Q. Which consisted of what?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
15

1 J. Worthington

2 A. Which would consist of the
3 dispatchers and the call takers during my
4 tour.

5 Q. What was your tour?

6 A. It was either 8:00 to 4:00, 4:00 to
7 12:00 or overtime, which would be on a
8 midnight shift or the shift before me or the
9 shift after me.

10 Q. And when was overtime? So it was
11 either --

12 A. If I was on an 8:00 to 4:00 the
13 overtime would either be at 4:00 in the
14 morning or at 1600, 4:00 p.m.

15 If I worked a 4:00 to 12:00 the
16 overtime would be either at noon or at
17 midnight. It's attached to the tour that I'm
18 working.

19 Q. So it's 8:00 p.m. to 4:00 a.m.?

20 A. What do you...

21 Q. When you're saying the two tours,
22 what are the two tours?

23 A. Two tours are 8:00 in the morning
24 to 1600 -- 8:00 to 4:00 or 4:00 to 12:00.

25 Q. 4:00 p.m. to 12:00 a.m., right?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
16

1 J. Worthington

2 A. Yes.

3 Q. So if someone was working before
4 the first tour it would be from 4:00 a.m. to
5 8:00 a.m.?

6 A. Yes.

7 Q. And if someone was working after
8 the second tour it would be from 12:00 a.m. to
9 4:00 a.m.?

10 A. Yes.

11 Q. And you mentioned overtime. What
12 does that mean? When did overtime come into
13 play.

14 A. If there was a staffing shortage
15 people would work overtime or I would work
16 overtime before or after my shift or on a day
17 off.

18 Q. How was that assigned?

19 A. How was that...

20 Q. How did people know if they had to
21 work overtime on any given day?

22 A. There's voluntary overtime or
23 mandated overtime.

24 Q. How did voluntary overtime work?

25 A. You would sign up for it.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
17

1 J. Worthington

2 Q. How would mandatory overtime work?

3 A. At the time I don't recall how it
4 worked, but it's usually whoever is left that
5 hasn't signed up, depending on whether they
6 were working -- it was basically whoever was
7 next up.

8 Q. Is it based on seniority or
9 something else?

10 A. It was rotating.

11 Q. Did you receive any Human Resources
12 training while you were at Suffolk County?

13 A. No.

14 Q. If someone complained that they
15 felt that they were being treated differently
16 because of some type of disability do you know
17 how to handle that?

18 A. Somebody comes to me for a
19 disability?

20 Q. If someone came to you, yes, saying
21 "I can't work overtime because I have some
22 medical issues" what would you do?

23 MS. GABOR: Are you talking
24 present?

25 MR. POLLACK: I'm talking back

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
18

1 J. Worthington

2 when Ms. Pflug was hired or employed?

3 A. I don't recall.

4 Q. Would it go to some other volunteer
5 to see if they would pick up --

6 A. Yes.

7 Q. -- that person?

8 Was overtime mandatory?

9 A. No, not always.

10 Q. When was it mandatory?

11 A. When there was not enough staffing.

12 Q. How frequently did that happen?

13 MS. GABOR: Objection.

14 What time frame are you talking
15 about?

16 MR. POLLACK: When Ms. Pflug was
17 employed.

18 MS. GABOR: Did you establish when
19 she was employed. I don't know if Ms.
20 Worthington testified to that.

21 Q. Do you know when Ms. Pflug was
22 employed by the county?

23 A. No.

24 Q. Do you know if she was a PSD I
25 while you were a PSD II?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
19

1 J. Worthington

2 A. Yes.

3 Q. So I'm focusing on the time when
4 you were a PSD II supervising Ms. Pflug as a
5 PSD I. Okay?

6 A. Okay.

7 Q. How did the mandates work when Ms.
8 Pflug was employed as a PSD I and you were a
9 PSD II?

10 A. I do not remember how they worked
11 then.

12 Q. Would there be somebody else within
13 the county who would know how the mandates
14 worked?

15 A. No -- or if they did they're
16 retired.

17 Q. When did you first meet Ms. Pflug?

18 A. I don't remember.

19 Q. Was it in a professional setting?

20 A. It would be here at headquarters,
21 yes.

22 Q. And you were employed at the time
23 she was hired?

24 A. Yes.

25 Q. Do you know if Ms. Pflug remained a

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
20

1 J. Worthington

2 PSD I throughout the entirety of her
3 employment with Suffolk?

4 A. Yes.

5 Q. How would you describe Ms. Pflug's
6 work performance while she was employed under
7 you as a PSD II?

8 A. I believe she was a competent
9 dispatcher. I never had a problem with her on
10 the radio.

11 Q. Do you know there was a time that
12 she had to take off work to give birth to her
13 child?

14 A. That was before I was her
15 supervisor.

16 Q. But you are aware?

17 A. Yes.

18 Q. Do you know how long she was out
19 for?

20 A. No.

21 Q. When she returned to work were you
22 her supervisor?

23 A. When I returned?

24 Q. When she returned.

25 A. Oh, when she returned. Yes.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
21

1 J. Worthington

2 Q. Did you notice any issues with her
3 work upon returning from leave, from giving
4 birth to her child?

5 A. No.

6 Q. Besides you were there any other
7 supervisors who were responsible for
8 supervising Ms. Pflug?

9 A. There would be two of us PSD II's,
10 but during the time of rotation of us II's
11 were being transferred around to different
12 teams, so I couldn't be exact with who was
13 supervisors.

14 Q. As we sit here today you don't know
15 if there were any other supervisors for Ms.
16 Pflug during the time she was a PSD I?

17 A. So there were other PSD II's. Yes,
18 I had a partner, and yes, there were PSD
19 III's.

20 Q. Who was your partner?

21 A. Like I said it could have been one
22 of three. So there was Sandi Shomalik,
23 Michele Ramirez, Brian Applebee. Sandi
24 Shomalik, S-A-N-D-I -- at the time she was
25 Flammer, but now it's Shomalik,

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
22

1 J. Worthington

2 S-H-O-M-A-L-I-K.

3 Q. Do you know who her PSD III's were
4 at the time she was a PSD I?

5 A. Patrina Hubner, Ann Guglielmo,
6 Anthony Bocchimuzzo.

7 Q. You said you never had issues with
8 Ms. Pflug's performance when she was working
9 as a PSD I underneath you, correct?

10 A. As a dispatcher I never received
11 any complaints from the road.

12 Q. Did you receive any other
13 complaints outside of her being a dispatcher?

14 A. Other than observing her late
15 coming from meals or to work.

16 Q. And when you were dealing with
17 those issues of her coming in late from meals
18 or to work, were those when you were a PSD II?

19 A. Yes.

20 Q. So that these did not exist
21 prior to her taking leave when you were both
22 PSD I's, correct?

23 A. I do not know. She was on a
24 different shift.

25 Q. Are you aware that Ms. Pflug ever

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
23

1 J. Worthington

2 requested a private room or anything of the
3 like so she could pump milk while she was at
4 the facility?

5 A. Yes.

6 Q. What's your knowledge of what her
7 requests were?

8 A. I know that she was provided with a
9 room.

10 Q. Was she provided with one right
11 away?

12 A. I believe so.

13 Q. Are you aware that she at some
14 point in time she had to go home to express
15 milk and then come back because there was no
16 room for her at the facility?

17 A. No.

18 Q. You are not aware that she had to
19 fight for that room in order for her to
20 express milk while at work?

21 MS. GABOR: Objection.

22 You can answer.

23 A. No.

24 Q. Was there a time that the county
25 implemented an overtime mandate?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
24

1 J. Worthington

2 A. The county?

3 Q. The police department.

4 A. I don't know.

5 Q. Do you know if the county had
6 overtime mandate for its PSD I's back when Ms.
7 Pflug was employed as a PSD I underneath you?

8 A. Yes.

9 Q. What was the mandate?

10 A. If there was not enough staffing
11 and there was not enough people signed up a
12 person was mandated for a four hour block.

13 Q. Were there any exceptions to that
14 mandate?

15 A. No, unless you couldn't do it.

16 Q. When was there an ability for
17 someone to say "I can't do it"?

18 A. If you couldn't do the overtime and
19 you couldn't be mandated you would have to
20 document the reason why. We'd send you home
21 and then the next person would get mandated,
22 which sometimes would be me.

23 Q. Did you ever have to cover for
24 Kristy?

25 A. I don't know.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
25

1 J. Worthington

2 Q. Do you know when this overtime
3 mandate was implemented?

4 A. Mandates have been since we've
5 started, since I've been there.

6 Q. Do you know why there was an
7 overtime mandate?

8 A. If there was not enough staffing
9 and not enough people signed up a person would
10 get mandated.

11 Q. Do you know if the county ever
12 explored hiring additional personnel to handle
13 the workload instead of assigning people to
14 work mandated overtime?

15 MS. GABOR: Objection.

16 You can answer.

17 A. I don't know.

18 Q. Did you ever receive complaints
19 from any of the dispatchers regarding them
20 being mandated for overtime?

21 A. Verbal?

22 Q. Either.

23 A. Yes.

24 Q. What type of verbal complaints
25 would you receive?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
26

1 J. Worthington

2 A. "I don't believe we're doing this
3 again." Just aggravation comments. That
4 would be it.

5 Q. Who would express those comments?

6 A. Everybody.

7 Q. Were there written complaints?

8 A. I never received one.

9 Q. Were there ever exemptions provided
10 from the mandate?

11 A. What do you mean, like if they said
12 it that day?

13 Q. Yes.

14 A. If they said it that day they would
15 have to explain why they can't work the
16 overtime, the mandate, and then we would have
17 to have them put it in writing and then the
18 next person to be mandated would have to cover
19 what they couldn't do.

20 Q. All they had to do was put it in
21 writing as to the reasons they couldn't --

22 A. I can't -- sorry.

23 Q. All they would have to do is put it
24 in writing as to the reasons they couldn't
25 provide the mandate and then somebody else

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
27

1 J. Worthington

2 would be tapped to cover?

3 A. If I were to say -- this is an
4 example. I'm being mandated. I can't do the
5 mandate because I have a doctor's appointment
6 or some other reason -- child care, medical
7 reason -- I would tell my supervisor, if I was
8 a PSD I, "I can't do the mandate." I, as the
9 PSD II, would ask them to put it in writing,
10 and then from there, accept the writing, the
11 person would go home and then the next person
12 to be mandated would work the overtime.

13 Because if we're in a mandate situation we
14 just stay a mandate unless somebody
15 volunteers, but usually by the time you get to
16 mandate all the volunteers have been taken.

17 Q. You're saying you were never privy
18 to any type of analysis as to what it would
19 cost to hire additional personnel to work the
20 overtime as opposed to paying overtime for
21 those who were already employed?

22 A. No.

23 Q. Do you know if Ms. Pflug was
24 mandated to work overtime after she returned
25 from maternity leave and you were her PSD II?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
28

1 J. Worthington

2 A. Yes.

3 Q. Do you know how soon after she
4 returned that she was mandated?

5 A. No.

6 Q. Was there any type of seniority
7 list with regards to mandates?

8 A. I don't -- I don't remember what it
9 was then.

10 Q. Are you aware that there's a law
11 requiring entities to accommodate individuals
12 with disabilities?

13 MS. GABOR: Objection.

14 A. Yes.

15 Q. What's your understanding of that
16 law?

17 A. It depends on the disability I
18 guess. I mean, you're supposed to provide
19 whatever they need to work the job with their
20 disability, I think.

21 Q. Have you ever heard of the
22 Americans With Disabilities Act?

23 A. Yes.

24 Q. Have you ever heard of the New York
25 State Human Rights Law?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
29

1 J. Worthington

2 A. I know of it.

3 Q. What's your knowledge of the
4 Americans With Disabilities Act?

5 MS. GABOR: Objection.

6 You can answer.

7 A. I really don't know how it's
8 written.

9 Q. Okay. Do you understand what
10 employers are obligated to do under that act?

11 A. Other than give them whatever they
12 need so they can perform their job with their
13 disability. That's all I know.

14 Q. Is your understanding the same with
15 the New York State Human Rights Laws?

16 MS. GABOR: Objection.

17 You can answer.

18 A. Yes, it's the same.

19 Q. Have you ever heard the term
20 "interactive process" before?

21 A. No.

22 Q. Did you ever explore any reasonable
23 accommodations to be made to Ms. Pflug so she
24 could continue performing the essential
25 functions of her job?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
30

1 J. Worthington

2 A. When the request came for her to
3 have the room, I explored the New York State
4 whatever -- I don't know what it's called --
5 to know what we needed for the room.

6 Q. What about if she needed to take
7 time off for childcare or a doctor's issues to
8 be excused from the mandate?

9 A. She would do exactly what I said
10 before. She would have to come to the
11 supervisor, explain to the supervisor. We
12 would ask for it in writing and then we would
13 move on to the next person and work the
14 overtime.

15 Q. I'm now showing you a document that
16 we're marking as Plaintiff's Exhibit 1.

17 (Plaintiff Exhibit 1 was so
18 marked for identification.)

19 Can you see that on the screen?

20 A. Yes.

21 Q. Take your time to look at it and
22 let me know when you're done.

23 A. Okay.

24 Q. You've reviewed this document?

25 A. I remember it.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
31

1 J. Worthington

2 Q. Who is Lieutenant Rohrer.

3 A. He was executive officer of
4 Communications.

5 Q. Do you know why this document came
6 about?

7 A. I believe it was Labor Relations
8 said that people couldn't be exempt for
9 medical issues anymore. There was a standing
10 few people that had medical conditions where
11 their doctors had said they couldn't work the
12 extra hours, and then I guess it was -- I
13 think it was getting abused maybe. I don't
14 really remember. But I just remember this.
15 And I remember that the people or whoever was
16 on that list could no longer be exempt.

17 Q. Do you know if Ms. Pflug was on
18 that list?

19 A. I don't know.

20 Q. Do you know why this memo was being
21 issued in 2012?

22 MS. GABOR: Objection.

23 You can answer if you know.

24 A. No, I don't know.

25 Q. When this memo was issued, did this

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
32

1 J. Worthington
2 override any accommodations that were
3 previously provided to individuals with
4 medical issues?

5 A. Yes.

6 Q. At the time you were a PSD II?

7 A. Yes.

8 Q. Do you believe it was your
9 obligation to enforce this policy?

10 A. Yes. It came from my executive
11 officer.

12 Q. Now I'm showing you a document we
13 marked as Plaintiff's Exhibit 2.

14 (Plaintiff Exhibit 2 was so
15 marked for identification.)

16 Take your time to look at this
17 document and let me know when you're done.

18 A. Reviewing it.

19 MS. GABOR: Does this have any
20 particular Bates number or anything
21 like that that you could identify it
22 as?

23 MR. POLLACK: I wish I could make
24 out the bottom right number. I think
25 it's like 407.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
33

1 J. Worthington

2 MS. GABOR: What about the first
3 one, if we can go back to that?

4 MR. POLLACK: Pflug 00021.

5 A. Okay.

6 Q. And who is Paul Margiotta?

7 A. I don't know.

8 Q. Who is Maureen Looby?

9 A. She was in personnel. That's all I
10 know.

11 Q. Do you ever interact with her?

12 A. Maybe. I don't know. I wouldn't
13 know her if she was walking down the hall.

14 Q. Do you recall seeing this document?

15 A. No.

16 Q. Are you aware that individuals who
17 had previously requested accommodations were
18 going to be sent for fitness for duty
19 evaluations?

20 A. No.

21 Q. Do you know if Ms. Pflug was
22 contained on this list that's been blacked
23 out?

24 A. No.

25 Q. Are you aware if someone was deemed

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
34

1 J. Worthington
2 not fit for duty what would happen to them?

3 A. No.

4 Q. Do you know if they would be
5 terminated?

6 A. I don't know.

7 Q. Now I'm showing you another
8 document that we've marked as Plaintiff's
9 Exhibit 3. SC409 is the Bates stamp number.

10 (Plaintiff Exhibit 3 was so
11 marked for identification.)

12 Do you know who John Hanley is?

13 A. Yes, I know who he is now.

14 Q. Did you know who he was in 2013?

15 A. I believe he was my deputy
16 inspector.

17 Q. Do you know who Mark Fisher is?

18 A. Yes.

19 Q. And what was he in 2013?

20 A. I can't be sure.

21 Q. What about William Rohrer.

22 A. He was our lieutenant.

23 Q. What was Harold Jantzen?

24 A. I don't know a position.

25 Q. Can you take your time to read this

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
35

1 J. Worthington

2 e-mail?

3 (Pause.)

4 A. I never saw that before.

5 Q. But this is similar to the one that
6 we looked at as Plaintiff's Exhibit 1,
7 correct, with a no mandate -- overtime mandate
8 exemption?

9 A. Exemption.

10 Q. Right.

11 A. It's similar, but it doesn't say
12 that part down the bottom.

13 Q. Right, but when you're reading the
14 second paragraph it says, "no employee will be
15 excused from overtime," correct?

16 A. That's what it says.

17 Q. Do you see where it further says,
18 "If they can't work overtime, they are unfit
19 for duty and therefore cannot work their
20 normal shift"?

21 A. I see that.

22 Q. And do you further see "If the
23 employees push the issue, Civil Service
24 Section 72 (unfit for duty and the employee
25 will be forced to be absent for up to 1 year)

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
36

1 J. Worthington

2 proceedings can be implemented. The end
3 result would be termination."

4 A. I see it.

5 Q. So is it your understanding based
6 on this memo that an employee who needed
7 accommodation that cannot be deemed fit for
8 duty would be subject to termination?

9 A. That's what it says.

10 Q. Are you aware that Ms. Pflug
11 submitted doctors letters both before and
12 after these memos that we referenced seeking
13 excusal from the overtime mandate?

14 A. No.

15 Q. I'm now showing you a document we
16 marked as Plaintiff's Exhibit 4, Bates stamped
17 SC-428.

18 (Plaintiff Exhibit 4 was so
19 marked for identification.)

20 Can you take a look at this
21 document from March 9, 2011?

22 (Pause.)

23 A. Okay.

24 Q. Do you see where it says, "With
25 this in mind, it was recommended that Ms.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
37

1 J. Worthington

2 Pflug not work overtime hours as significant
3 sleep deprivation can produce certain
4 stressors that may exacerbate symptomologies"?

5 A. It actually says "not overnight
6 hours."

7 Q. I'm sorry if I misspoke.

8 A. It says "overnight hours."

9 She submitted this because she
10 couldn't work midnights anymore. Before she
11 went out maternity she was on midnights.

12 This is the paperwork she submitted
13 so she could not -- so she didn't have to work
14 overnight. So she worked the 2 tour, 8:00 to
15 4:00 and 4:00 to 12:00.

16 Q. Do you know if this was
17 accommodated?

18 A. She didn't come back to midnight.
19 She went to 2 tour, which was then on my
20 shift.

21 Q. What were the 2 tour hours?

22 A. 8:00 to 4:00 and 4:00 to 12:00.

23 Q. 8:00 a.m. to 4:00 p.m.?

24 A. Yes.

25 Q. And 4:00 p.m. to 12:00 a.m.?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
38

1 J. Worthington

2 A. Yes.

3 Q. Now I'm showing you a document
4 marked as Plaintiff's Exhibit 5, Bates stamp
5 SC-475.

6 (Plaintiff Exhibit 5 was so
7 marked for identification.)

8 This is a similar note that we
9 reviewed prior as Exhibit 4.

10 Do you know whose handwriting is on
11 that document?

12 A. It says Bill R.

13 Q. Do you know who that is?

14 A. Well, if it's signed Bill R. can I
15 guess?

16 MS. GABOR: No, don't guess.

17 A. Then I don't know.

18 Q. Do you know what it means by the
19 "12-8 position is posted"?

20 A. Midnight to 8:00 a.m.

21 Q. And that's different than the 2
22 tour, correct?

23 A. Yes.

24 Q. I'm now showing you a document
25 marked as Plaintiff's Exhibit 6, Bates stamped

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
39

1 J. Worthington

2 SC-478.

3 (Plaintiff Exhibit 6 was so
4 marked for identification.)

5 Do you see this document from
6 August 30, 2012?

7 A. Yes.

8 Q. And this is a different letter than
9 the ones that we just reviewed previously,
10 correct?

11 A. Yes.

12 Q. And this letter is addressing
13 issues with Ms. Pflug's daughter, Annabelle,
14 correct?

15 A. Yes.

16 Q. It's stating that "It is imperative
17 that Kristy not be scheduled to work longer
18 than 8 hours in a 24 hour period," correct?

19 A. Yes.

20 Q. Do you know if this was abided by?

21 A. I don't know, but if you scroll
22 down.

23 (Scrolling.)

24 That's me.

25 Q. That's your signature?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
40

1 J. Worthington

2 A. Well, the "PSD 440," that's me.

3 Q. Okay.

4 A. "PSD 440," that's me. So I
5 received it and I forwarded it up the chain.

6 Q. But that doesn't mean it was
7 adhered to, correct?

8 A. Unknown.

9 Q. Do you know if it would have placed
10 an undue hardship on the county to limit Ms.
11 Pflug to working eight-hours days as suggested
12 by her doctors?

13 MS. GABOR: Objection.

14 You can answer.

15 A. I don't know.

16 Q. If she couldn't work it would have
17 gone to others who were available, correct?

18 A. Yes.

19 Q. I'm now showing you a document
20 marked as Plaintiff's Exhibit 7.

21 (Plaintiff Exhibit 7 was so
22 marked for identification.)

23 Take your time to read this
24 document, please.

25 (Pause.)

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
41

1 J. Worthington

2 MS. GABOR: What's the Bates
3 number on this?

4 MR. POLLACK: SC-416?

5 A. Okay.

6 Q. Is that your signature on the
7 bottom left?

8 A. No.

9 Q. Do you know if this doctor's note
10 was followed in that Ms. Pflug was limited to
11 her regularly scheduled hours and not mandated
12 to work overtime?

13 A. I don't know.

14 Q. Is there an internal correspondence
15 that's required to be submitted by employees
16 within the department for certain instances?

17 A. Internal correspondences, yes, for
18 certain incidents, yes.

19 Q. Do they have a name like a 42 or
20 some other abbreviated nickname?

21 A. It's a P -- I think it's a
22 PCDS-2042. I'm not sure if this is correct,
23 but I think it's PCDS-2042.

24 Q. Is this one of the DS2042's that
25 you would have been referring to?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
42

1 J. Worthington

2 A. Yes. Oh, it's on the bottom.

3 Right there PDCS-2042.

4 Q. Okay. And we're looking at the
5 bottom left of Exhibit 8 which is marked as
6 Bates SC-421.

7 (Plaintiff Exhibit 8 was so
8 marked for identification.)

9 Q. Do you see this document?

10 A. Yes.

11 Q. And is this a DS-2042 that we were
12 just referencing?

13 A. Yes, it is one.

14 Q. Do you know why Ms. Pflug was
15 required to submit this DS-2042?

16 A. No.

17 Q. Can you read it and let me know if
18 that would possibly refresh your recollection?

19 (Pause.)

20 A. Can you scroll?

21 Q. Of course.

22 (Scrolling.)

23 A. Okay. I guess because she couldn't
24 do a mandate. I don't -- I guess that's what
25 it is.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
43

1 J. Worthington

2 MS. GABOR: Don't guess.

3 A. I don't know.

4 Q. You said that they would have to
5 submit internal correspondences to show why
6 they may not be able to work for a mandate
7 earlier, correct?

8 A. Yes.

9 Q. Is this something that Ms. Pflug
10 would have done to abide by that obligation?

11 A. Well, this says -- the Subject is
12 "Lateness from meal," not for a mandate.

13 Q. Well, if you look lower it says,
14 "Since I am mandated, once again, to stay
15 until 0400 hours I did not feel safe to leave
16 my cell phone at home."

17 Do you see that?

18 A. Right. And then it says that "I
19 would be a few minutes late." So she was late
20 from her meal. So she is submitting this to
21 explain why she is late from her meal. She
22 couldn't find her phone.

23 Q. Did she have to submit this if she
24 was a minute late or is there like a period of
25 time that they're excused before they would

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023

44

1 J. Worthington

2 have to submit this or if they're a minute
3 late they have to submit something like that?

4 A. No. No. There's no specifics. I
5 don't know why this was submitted.

6 Q. I'm now showing you another DS-2042
7 marked SC-462.

8 (Plaintiff Exhibit 9 was so
9 marked for identification.)

10 Do you know why she would have been
11 required to submit this?

12 A. It says she's submitting it because
13 of her mandate.

14 Q. And it says that she had a doctor's
15 appointment, correct?

16 A. Yes.

17 Q. And earlier you testified that for
18 health issues, doctor's appointments and
19 childcare you would find others to cover,
20 correct?

21 A. Yes.

22 Q. Do you know why she would have been
23 required to submit this if somebody else was
24 able to cover her shift?

25 A. If nobody able to cover her shift,

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
45

1 J. Worthington

2 that's the reason you would do it. If a
3 person is being mandate it means that there's
4 no more volunteers left.

5 Q. So what would happen if there were
6 no other people left to take over Ms. Pflug's
7 shift?

8 A. If she couldn't work it we move on
9 to the next mandate.

10 Q. So if you were able to work on to
11 the next mandate why was she required to
12 submit an internal correspondence regarding
13 her need for a doctor's appointment?

14 A. I don't know.

15 Q. And do you see where it asks --
16 where it mentions that she wants to inquire
17 about the doctor's note she handed in back on
18 November 17th that she cannot work over eight
19 hours?

20 A. I see that.

21 Q. Do you know why that wasn't adhered
22 to?

23 A. No.

24 MS. GABOR: Objection.

25 Q. I'm now showing you a document

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
46

1 J. Worthington
2 marked as Plaintiff's Exhibit 10. It's a
3 two-page document, SC-464 to 465.

4 (Plaintiff Exhibit 10 was so
5 marked for identification.)

6 I'm just going to again ask you to
7 take your time to read this April 16, 2013
8 memo and let me know when you're done and
9 scroll when you're ready.

10 (Pause.)

11 A. Scroll.

12 (Scrolling.)

13 A. Okay.

14 Q. Did you ever recall receiving a
15 copy of this?

16 A. I signed it. I signed. That's
17 my -- that's me and I forwarded it up the
18 chain.

19 Q. Which one is you?

20 A. PSD -- the swirl, Jennifer,
21 PSD-2440.

22 Q. And so what did you do with this
23 after receiving it?

24 A. I forwarded it up the chain to my
25 next supervisor.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
47

1 J. Worthington

2 Q. I'm now showing you a four-page
3 document marked as Plaintiff's Exhibit 11
4 which is Bates stamp number SC-466 through
5 469.

6 (Plaintiff Exhibit 11 was so
7 marked for identification.)

8 We'll take some time for you to
9 read it. You let me know when I have to
10 scroll down.

11 A. Okay.

12 (Scrolling.)

13 Okay.

14 (Scrolling.)

15 Okay. I can't read after "other"
16 in the thing.

17 Q. I understand.

18 A. Okay.

19 (Scrolling.)

20 Q. Is your signature on this? No,
21 right?

22 A. No.

23 Q. Do you ever recall receiving
24 something like this?

25 A. No.

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
48

1 J. Worthington

2 Q. Were you ever investigated about a
3 possible discrimination or hostile work
4 environment from any of your supervisors based
5 on Ms. Pflug's complaint?

6 A. No.

7 Q. Do you see your name is mentioned
8 in here, correct?

9 A. Yes.

10 Q. Do you know what incident she's
11 referring to?

12 A. No.

13 Q. I'm now showing you document marked
14 as Plaintiff's Exhibit 12, Bates stamped -- I
15 can't really make it out -- SC-3-something.

16 (Plaintiff Exhibit 12 was so
17 marked for identification.)

18 Can you take a look at this and let
19 me know after you finish reading the body of
20 the e-mail -- or the memo?

21 A. Okay.

22 Q. So based on this is it your
23 understanding that despite the doctors notes
24 and issues with her daughter that Ms. Pflug
25 was still being mandated after those doctors

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
49

1 J. Worthington

2 notes were submitted?

3 MS. GABOR: Objection.

4 A. I don't know.

5 Q. Well, she wouldn't have wrote this
6 unless she was still be subject to mandates,
7 correct?

8 MS. GABOR: Objection.

9 A. I don't know what she would write.

10 Q. Did you ever tell her she was
11 mandated?

12 A. Yes.

13 Q. Under what circumstances?

14 A. When there was not enough staffing
15 and not enough voluntary overtime.

16 Q. And did you do this after
17 understanding her childcare and healthcare
18 issues?

19 A. I do not know.

20 Q. Now I'm showing you a document
21 marked as Plaintiff's Exhibit 13, Bates
22 stamped Pflug 00055.

23 (Plaintiff Exhibit 13 was so
24 marked for identification.)

25 Do you know who Theresa Farrell is?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
50

1 J. Worthington

2 A. No.

3 Q. Can you take a look at this and let
4 me know after you're done reviewing it?

5 (Pause.)

6 A. Can you move the cursor?

7 Q. Move what?

8 A. Move your cursor.

9 Okay. That's good.

10 Q. Does this refresh your recollection
11 at all as to whether or not Ms. Pflug was
12 mandated after she submitted her doctors notes
13 and childcare notes?

14 A. I guess with the times I guess so.
15 I don't know.

16 Q. Are you aware that subsequent to
17 her termination that Ms. Pflug applied for
18 unemployment benefits?

19 A. No.

20 Q. Are you aware that she was awarded
21 unemployment benefits?

22 A. No.

23 Q. Now I'm going to show you a
24 document marked as Plaintiff's Exhibit 15,
25 which is the county's responses to our

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
51

1 J. Worthington

2 interrogatory requests.

3 (Plaintiff Exhibit 15 was so
4 marked for identification.)

5 Q. Did you have the power to grant or
6 deny an accommodation requested by Ms. Pflug?

7 A. No.

8 Q. Who did?

9 A. I don't know.

10 Q. In response to Interrogatory Number
11 6 on page 5 it says, "Mandatory overtime is
12 assigned in the same manner as voluntary
13 overtime, but in reverse."

14 Do you see that?

15 A. Yes.

16 Q. What does that mean?

17 A. I don't know. Don't know.

18 Q. Okay.

19 In response to Interrogatory Number
20 10, do you know who Labor Relations is that
21 they were referring to for approving or
22 disapproving overtime accommodations?

23 A. I believe it's a department within
24 the county.

25 Q. And in response to Interrogatory

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023
52

1 J. Worthington

2 Number 11 that codifies the document we looked
3 at earlier with regard to no excusals from
4 overtime, correct?

5 A. Yes.

6 Q. And you see in response to
7 Interrogatory Number 13?

8 A. Yes.

9 Q. Now, is it codified anywhere or in
10 writing that mandatory overtime is an
11 essential function of the job?

12 MS. GABOR: Objection.

13 It says mandatory overtime is part
14 of the job.

15 Q. Is it written anywhere that
16 mandatory overtime is part of the job as a
17 PSD I?

18 A. I don't know.

19 Q. Do you see in response to
20 Interrogatory Number 14 it says, "On a yearly
21 basis training is conducted regarding
22 discrimination and harassment"?

23 A. Yes.

24 Q. Earlier you testified that you were
25 not subjected to such training, correct?

JENNIFER WORTHINGTON
PFLUG vs COUNTY OF SUFFOLK

May 10, 2023

53

1 J. Worthington

2 MS. GABOR: Objection.

3 I don't believe she testified to
4 that. You said something about Human
5 Resources to her. I don't believe this
6 is similar.

7 Q. Were you ever trained on how to
8 handle discrimination or harassment within the
9 workplace?

10 A. Just a video we watch every year.

11 MR. POLLACK: I think I'm pretty
12 much ready to wrap up. Just give me
13 five minutes and then I'll let you know
14 if I have any further questions.

15 (Time noted: 11:19 a.m.)

16 (Recess.)

17 (Time noted: 11:23 a.m.)

18 MR. POLLACK: I have no further
19 questions for this witness.

20 COURT REPORTER: Mr. Pollack,
21 could you just state for the record
22 that you're ordering the transcript.

23 MR. POLLACK: I am ordering the
24 transcript.

25 COURT REPORTER: Ms. Gabor, are